

REMARKS

Applicants have corrected a couple of misspellings in the specification. No new matter has been added.

In the Office Action dated July 11, 2007, the Examiner rejected claims 4-7 and 15 under §112, first paragraph. Claims 4-7 and 15 were also rejected under 35 USC §112, second paragraph. Claims 4-7 and 15 have been cancelled from the application and therefore these rejections are moot.

Claims 1, 4, 6, 7 and 15 were rejected under 35 USC §103(a) as being unpatentable over EP '720 in view of FR 1355909. Claims 2 and 5 were rejected under 35 USC §103(a) as being unpatentable over EP '720 and FR '909 and further in view of EP '876.

By the present amendment, Applicants have cancelled all previously presented claims and have presented new claims 16-27. Claim 16 defines a water distribution system for a dishwasher comprising a disk being mounted on the top wall for rotation about a vertical axis. The Examiner has referenced EP '720 as disclosing such a disk. Claim 16 further defines a water nozzle positioned at a distance greater than a radius of the disk from the axis of rotation of the disk on one of the back walls, sidewall, or top wall. The Examiner acknowledges that EP '720 does not disclose such a structural arrangement, but the Examiner has pointed to FR '909 for the teaching of separating a water nozzle and a sprayed deflecting structure to redirect water for distribution in a washing chamber. The Examiner also states that FR '909 teaches that it is known to position the nozzle on a sidewall adjacent the top wall.

The arrangement taught by FR '909 is to direct a fan shaped spray, as indicated by multiple arrows 6 in FIG. 2, towards a deflector 10 which rotates about a horizontal axis. There is no disclosure regarding whether the deflector 10 is mounted to the rear wall, the sidewalls, or the top wall.

Claim 16 further defines that the water nozzle is configured and arranged to project a single water jet substantially horizontally and with linear kinetic energy along a line lying in a plane. In contrast, EP '720 teaches to provide a plurality of water jets radially outwardly through nozzle openings 19 from within the center (axis of rotation) of the disk. Also in contrast, FR '909 teaches to provide a water nozzle configured and arranged to

project a water fan substantially vertically and with kinetic energy spread out in a plane, rather than linearly along a line.

Claim 16 further defines that the single water jet is directed by the nozzle generally radially inwardly toward the axis of rotation of the disk. EP '720 teaches exactly the opposite, that is, to provide multiple water jets directed by the nozzle radially outwardly. FR '909 does not teach the use of a single water jet, but rather a water fan. Claim 16 further defines that the single water jet is redirected radially outwardly horizontally with radial kinetic energy substantially co-planar with the linear kinetic energy of the single water jet. EP '720 does not redirect the energy from radially inwardly to radially outwardly. As seen in FIGS. 1 and 2, the re-directed water in FR '909 is not even distributed in a single plane, but rather in a number of directions, none of which appear to lie in the same plane as the water being directed toward the deflector. Further, FR '909 does not teach the provision of linear kinetic energy of a single water jet.

Therefore, there are several elements set forth in claim 16 that are not shown by either EP '720 or FR '909, so that even a combination of these two references fails to teach or suggest the structure and arrangement of the water distribution system set forth in claim 16. A combination of EP '720 and FR '909 would lead a person of ordinary skill in the art to the conclusion that either multiple directionally arranged jets or a wide fan spray must be used to provide adequate distribution of water within a washing chamber, even with the use of a rotating or spinning distributor. The art fails to demonstrate that an adequate distribution of water within a washing chamber could be achieved with the use of a single linearly directed water jet spaced away from the rotating disk. Each of the other references cited by the Examiner including DE '214 and EP '876 utilize multiple spray jets to achieve an adequate distribution of water within a washing chamber. Given the state of the art, there would not be a reasonable expectation of success in utilizing a single linearly directed jet of water against a water distribution disk to provide an adequate distribution of water within the washing chamber.

Presented with the art cited by the Examiner, common sense would lead having one of ordinary skill in the art to conclude that multiple spray jets must be used with a rotating distributing disk, or at least a wide fan shaped spray, if adequate water distribution is to be achieved in a wash chamber. Further, none of the references teach or suggest that a linear radially inwardly directed single water jet with linear kinetic energy directed along a line laying in a plane could be redirected so that the kinetic energy would be reversed to a radial outward direction, substantially co-planar with the linear kinetic energy from the single

water jet. Such a teaching is entirely lacking in the cited references. In EP '720, multiple radially outwardly directed water jets, with radially outwardly directed kinetic energies are merely redirected into other radially outwardly directed water flows with radially outwardly directed kinetic energies. FR '909 discloses a fan of water directed toward the rotating deflector in which the deflected water and kinetic energy is dispersed throughout a range of different directions none of which appear to be in the same plane as the water fan. Thus, there was no expectation in the art that Applicants successful results would be achieved with the structure as claimed.

New independent claim 20 and new independent claim 24 both include a similar description of the structure of the water nozzle being arranged to project a single water jet substantially horizontally and with linear kinetic energy directed generally radially inwardly toward the axis of rotation along a line lying in a plane, the single water jet being directed by the nozzle generally radially inwardly towards the axis of rotation of the disk and onto the vanes of the disk to rotate the disk and thereby redirect the water radially outwardly horizontally with radial kinetic energy directed radially outwardly substantially co-planar with the linear kinetic energy of the single water jet. For the same reasons as outlined with respect to independent claim 16, Applicants respectfully submit that independent claims 20 and 24, along with their dependent claims, are patentably distinguishable over the references cited by the Examiner.

In view of the foregoing presentation of new claims and demonstration of the inadequacy of the cited art, taken singly or in combination, Applicants respectfully submit that each of the claims of the application are allowable over the art and request the Examiner to indicate the claims as allowed and to pass the application to issue.

Respectfully submitted,

/Kevin W. Guynn/ (Reg. No. 29,927)
Kevin W. Guynn
GREER, BURNS & CRAIN, LTD
Customer Account No. 24978